UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ALUMINUM WAREHOUSING ANTITRUST LITIGATION

Master Docket No.
13 MD 2481 (KBF)

This Document Pertains To:

Agfa Corporation and Agfa Graphics, N.V. v. The Goldman Sachs Group, Inc., Case No. 14-cv-0211-KBF

Mag Instrument, Inc. v. The Goldman Sachs Group, Inc., Case No. 14-cv-00217-KBF

Eastman Kodak Company v. The Goldman Sachs Group, Inc., Case No. 14-cv-06849-KBF

FUJIFILM Manufacturing U.S.A., Inc. v. Goldman Sachs & Co., Case No. 15-cv-8307-KBF

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JAN 15 2016

STIPULATION AND ORDER REGARDING DISMISSAL OF STATE LAW CLAIMS

Plaintiffs Agfa Corporation, Agfa Graphics N.V., Eastman Kodak Company, Mag Instrument, Inc., and FUJIFILM Manufacturing U.S.A., Inc. and Defendants Goldman Sachs International, Metro International Trade Services, Inc., JPMorgan Securities plc, Henry Bath LLC, Glencore Ltd., and Pacorini Metals USA, LLC stipulate and agree as follows:

WHEREAS, in the Joint Amended Complaint (ECF No. 745), Plaintiffs Agfa Corporation, Agfa Graphics, N.V., and Eastman Kodak Company included as a Second Claim for Relief a claim under the New York Donnelly Act, General Business Law §340, *et seq.*;

WHEREAS, in the Joint Amended Complaint, Plaintiff Mag Instrument, Inc. included as a Third Claim for Relief a claim under the California Cartwright Act, Cal. Bus. & Prof. Code §§16700-16770;

WHEREAS, Plaintiffs have determined not to continue to pursue these state law claims, and to dismiss them voluntarily without prejudice;

WHEREAS, in light of the dismissal of these state law claims, Defendants have agreed to withdraw certain discovery requests directed to Plaintiffs related to those claims, also without prejudice.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties, by their undersigned counsel, stipulate and agree that the Second and Third Claims for Relief asserted in the Joint Amended Complaint are hereby dismissed without prejudice.

STIPULATED AND AGREED TO THIS 13TH DAY OF JANUARY, 2016.

Respectfully submitted,

Christopher M. Burke (*cburke@scott-scott.com*)
Walter W. Noss (*wnoss@scott-scott.com*)
Kristen M. Anderson (*kanderson@scott-scott.com*)
Stephanie Hackett (*shackett@scott-scott.com*)
Jennifer J. Scott (*jscott@scott-scott.com*)
SCOTT+SCOTT, ATTORNEYS AT LAW, LLP
707 Broadway, Suite 1000
San Diego, CA 92101
Telephone: 619-233-4565
Facsimile: 619-233-0508

Counsel for Agfa Corporation and Agfa Graphics, N.V.; Mag Instrument, Inc., Eastman Kodak Company, FUJIFILM Manufacturing U.S.A., Inc

Eliot Lauer (*elauer@curtis.com*)
Jacques Semmelman (*jsemmelman@curtis.com*)
Chelsea McLean (*chelsea.mclean@curtis.com*)
CURTIS, MALLET-PREVOST, COLT & MOSLE LLP
101 Park Avenue
New York, NY 10178
Telephone: 212-696-6000
Facsimile: 212-697-1559

Attorneys for Defendant Glencore Ltd.

Robert D. Wick (*rwick@cov.com*)
David W. Haller (*dhaller@cov.com*)
Henry B. Liu (*hliu@cov.com*)
Covington & Burling LLP
One CityCenter

John M. Nannes (*john.nannes@skadden.com*)
John H. Lyons (*john.h.lyons@skadden.com*)
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
1440 New York Avenue, N.W.

850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: 202-662-6000
Facsimile: 202-662-6291

Attorneys for Defendant Henry Bath LLC and JPMorgan Securities plc

Washington, D.C. 20005
Telephone: 202-371-7500
Facsimile: 202-661-9191

Attorneys for Defendant Pacorini Metals USA, LLC

Richard C. Pepperman II (*peppermanr@sullcrom.com*)
Suhana S. Han (*hans@sullcrom.com*)
Yavar Bathaee (*bathaeey@sullcrom.com*)
125 Broad Street
New York, New York 10004-2498
Telephone: 212-558-4000
Facsimile: 212-558-3588

Attorneys for Goldman Sachs International, Metro International Trade Services, Inc.

IT IS SO ORDERED.

Dated: 1/15, 2016

HONORABLE KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE